

City of Lafayette Staff Report

For: City Council

By: Christine Sinnette, Senior Planner

Date Written: December 1, 2008

Meeting Date: December 8, 2008

Subject: Appeal by Richard Holt of the Planning Commission denial of:

HDP47-07 RICHARD W. HOLT (APPLICANT), LAMORINDA PROPERTIES (OWNER), R-10 ZONING: Request for a hillside development permit pursuant to section 6-2065(a)(8) of the Lafayette Municipal Code (LMC) for site and massing determination for a new, two-story single-family residence ~~3,507~~ ~~3,323~~ 2,898 gross square feet in size on a vacant 26,340 square foot parcel within the Hillside Overlay District, located at the intersection of Sierra Vista Way and Sessions Road (Tract 5332 Lot 66); APN 232-052-019.

V17-08 RICHARD W. HOLT (APPLICANT), LAMORINDA PROPERTIES (OWNER), R-10 ZONING: Request for a variance pursuant to section 6-214 of the Lafayette Municipal Code (LMC) to allow a front yard setback of 20 ~~82~~ feet, a rear yard setback of 15 ~~75~~ feet, a western side yard setback of 10 ~~64~~ feet, an eastern side yard setback of 10 ~~45~~ feet, and a 5-foot setback from the trail easement for a new two-story, single-family residence 2,898 gross square feet in size on a vacant 26,340 square foot parcel within the Hillside Overlay District, located at the intersection of Sierra Vista Way and Sessions Road (Tract 5332 Lot 66); APN 232-052-019.

SUMMARY OF REQUEST

This matter is a City Council de novo hearing on an appeal of the Planning Commission's denial of HDP47-07 and V17-08 continued from the meeting of November 10, 2008. The applicant is requesting approval of a phase 1 Hillside Development Siting and Massing determination pursuant to section 6-2065(a)(8)(A) of the Lafayette Municipal Code (LMC) to allow development on a vacant lot within the Hillside Overlay District. For development of vacant lots in the Hillside Overlay District, a two-step application process is required. Phase 1 is an application for a siting and massing determination by the Planning Commission on the location and size of structures. The phase 2 application is for the review of the design and impacts of the project. Because the focus of the phase 1 application is on siting and massing, the scope of application materials submitted and the level of review and analysis is not as exhaustive as it is for the phase 2 application. Site plans at this stage would include such items as topography, existing infrastructure, and neighborhood context. Architectural plans should show general massing, building heights, and preliminary floor plans but may not show specific design details. Once a location and overall size are determined, the phase 2 application would be submitted.

Review and analysis of the phase 2 application is much more rigorous and requires a detailed site plan including site improvements like landscaping, driveways, patios, swimming pools, etc. and preliminary grading and drainage plans. Full architectural and floor plans would be submitted along with proposed building colors, materials, and exterior lighting.

SITE CONDITIONS AND LOCATION

<u>Location:</u>	Lot 66; intersection of Sierra Vista Way and Sessions Road
<u>Existing Development:</u>	Vacant except for Sessions Road which bisects the property south/north, an easement for a portion of the Petar Jakovina Trail, and a paved drainage swale along the western edge of the Sessions Road pavement
<u>Existing Vegetation:</u>	Native and non-native shrubs and trees including pines, oaks, and redwoods
<u>Topography:</u>	Steeply sloped upward south to north Low: 450 ' High: 506 '
<u>Lot Size:</u>	26,340 square feet
<u>Zoning:</u>	R-10, Single Family Residential District - 10
<u>General Plan:</u>	Medium Density Single Family Residential; up to 6 du/acre
<u>Surrounding Uses:</u>	Single-family residential development; properties south of Lot 66 are zoned R-10 and properties north of Lot 66 are zoned HPD and R-20

PROJECT DESCRIPTION *(as currently proposed)*

<u>Available Building Area</u>	3,962.5 s.f. on east side of Sessions Road
<u>Gross Floor Area:</u>	Current plans show a gross floor area of 2,898 s.f. consisting of a 543 s.f. garage and 630 s.f. lower floor and 1,725 s.f. upper floor
<u>Height:</u>	30' as measured from the average of the lowest and highest grade at the lowest foundation wall on the south elevation to the middle of the roof

See Attachment 1 – Project Location, Attachment 2 – Context Map, and Attachment 3 – Site Topography, Preliminary Grading and Site Plan, Floor Plans, Building Elevations, and Site Section.

SUMMARY OF PLANNING COMMISSION HEARINGS AND COMMENTS

The Planning Commission held five public hearings on the applications. At various times they gave direction to the applicant to reduce the size of the building, set the building farther up the hill, change driveway locations, and consider alternative parking schemes. These hearings are summarized in the table below. A complete record of these proceedings was provided in the previous staff report.

Meeting	Applicant's Submittal	Planning Commission Comment on Submittal
June 5	3,507 g.f.a; 36' high Primary access from Sessions Road north of house with 1 parking space Secondary access from Sessions south of house with 1 parking space Building starts at 461 contour line 10' setback from eastern property line	Design a smaller house due to lot constraints Move the development farther uphill to create less impact on privacy; to about the 470 contour line Consider alternatives for parking
July 3	Reduced gross floor area from 3,507 g.f.a. to 3,323 g.f.a. Building reduced by 4 feet at the southern end and moved from 461 contour line to 462 contour line. Two open parking spaces provided north and south of house.	No need for multiple entries Considered a corner lot; apply setbacks accordingly The house needs to be smaller and more consistent with the neighborhood it is going to face Provide a conventional garage
August 21	Driveway moved from Sessions Road to Sierra Vista Way and oriented toward neighborhood House is set back 5 feet from edge of trail easement House moved 20 feet farther up slope to 464 contour interval; 85-foot setback from Sierra Vista Way House reduced from 3,323 g.f.a. to 2,785 g.f.a. Attached 473 s.f., two-car garage provided Face of garage is 11 feet north of the end of the Swarts house (1139 Sierra Vista Way)	Redesign development such that no portion, including the driveway, is lower than the 474 contour interval as shown on the topographic map.
September 4	Site plan of 1,334 g.f.a. house and garage with driveway from Sessions Road as requested by PC provided for illustrative purposes only House is 2,785 g.f.a; 30' high Building set at 464 contour interval One access from lower Sessions Attached 473 s.f. , two-car garage provided Eastern setback varies from 10 to 15 feet Face of garage is 11 feet north of the end of the Swarts house (1139 Sierra Vista Way) Variance request for front setback of 86',	Directs staff to prepare a resolution denying HDP47-07 and V17-08 because the development is not responsive to the Commission's request to set the house above the 470 contour line in order to provide screening and privacy to the adjoining neighbors and the neighborhood, does not preserve physical features including drainage swales, the site design location and massing of structures does not to the extent feasible, minimize loss of privacy to surrounding residents and has a significant visual impact when viewed from lower elevations including Sessions Road and Sierra Vista Way. Additionally, the development will create a nuisance, hazard, or enforcement problem within the neighborhood and city and will require the city to provide an

	rear setback of 67', western setback of 62', eastern setback of 10', 5' setback from trail easement	unusual or disproportionate level of public services because of its location on Sessions Road and the existing design of Sessions Road. There are no special circumstances concerning the subject property, including size, shape, topography, location or surroundings, that the strict application of the zoning ordinance would deprive the property of privileges enjoyed by other properties in the vicinity and in the same land use district. The variance will constitute a grant of special privilege which is not generally available to other property in the vicinity and in the same land use district, and the variance applied for is not consistent with the one that the City Attorney recommended. The Commission did not wish to grant variances until a house location was approved.
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SUMMARY OF STAFF COMMENTS DURING PLANNING COMMISSION HEARINGS

Originally, staff had concerns with the size and massing of the development, driveway locations, and tree removal, and that impacts to the adjacent property were not minimized to the maximum extent feasible and recommended several design changes. It was not until the applicant had reduced the gross floor area to 2,785 square feet, the height to 30.75 feet, provided a single access from Sessions Road, an attached two-car garage, a separation of 19 feet from the Swarts house, and an increased setback from the eastern property line for part of the building to 15 feet, that staff recommended approval of the project.

It was staff's opinion that the issue of privacy between the subject property and the Swarts house had been addressed by the applicant. The house had been shifted up the hill to provide more separation. The closest elevation to the Swarts house is the single story garage. The wall of the kitchen/dining room is set back 15 feet from the property line allowing for the retention of a 24" tree. Windows on the eastern elevation are placed five to six feet above the floor line providing light but not direct views down and south to the Swarts house. As designed, development would not interfere with the existing trail located on Sessions Road. Development grading has been minimized by terracing the building and using foundation walls to bunker the building into the slope.

When the City has limited the size of homes it is usually because of incompatibility with adjacent homes and off-site visibility. The proposed size and scale of this development is similar to other properties in the Sierra Vista neighborhood and the site is flanked by two-story homes. Due to its location within a developed residential area with varied topography and mature vegetation, there is no visibility of the project site from distant, off-site locations which warrant a reduction in building size or square footage.

PUBLIC NOTICE AND COMMENT

This matter was continued from the City Council meeting of November 10, 2008 and no new notice has been provided. Correspondence submitted for the November 10 meeting was included in the previous

staff report as well as correspondence submitted throughout the course of the Planning Commission hearings. In addition to stating opinions on the merits of the project, public comments have been made about the application and planning process, legal status of Lot 66, impacts to the trail easement, easement(s) granted to property owners on Sessions Road and in the Northridge subdivision, geology and soils, drainage, and existing redwood trees. These comments were addressed during the Planning Commission hearings and summarized in the last staff report. To date, no additional correspondence has been submitted; however, David Bowie has requested that certain material be included in this staff report. See Attachment 4 for Mr. Bowie's letter and the requested material.

ANALYSIS OF CURRENT PROPOSAL

The current plans, dated received October 30, 2008 differ from the project denied by the Planning Commission. The project denied by the Planning Commission was for a 2,785 gross square foot, 30.75 foot high home with attached 2-car garage. The building started at the 464' contour interval. The current plan has been designed by a different architect and is set back 15 feet from the eastern property line. At 2,898 square foot, it is 113 square feet larger than the previous plan, is 30 feet high and has an attached 2-car garage. The building starts at the 463' contour interval. The driveway is in the same location as the previous plan.

The current proposal continues to show a building mass designed to step with the terrain presenting one- and two-story elements and differentiated rooflines when approached from lower Sessions Road. Foundation retaining walls are used to bunker and set the building into the grade. There is a grade difference of about 8 feet between the garage floor and the garage of the adjacent property at 1139 Sierra Vista Way largely due to the excavated cut made into the hillside at 1139.

The house at 1139 predates the surrounding Sierra Vista Way/La Canyada Park subdivision and has less than a 6-foot setback from the property line. The proposed building is set back 15 feet from the eastern property line. The total distance between the two buildings is 20 feet and is consistent with the required minimum setback between primary buildings in the R-10 zoning district. The western elevation provides greater wall articulation than the eastern elevation as the building follows the curve of the Sessions Road right-of-way. Outdoor living area would be provided by a terrace overlooking Sessions Road.

The current plan also shows a decomposed granite walkway along the eastern side of Sessions Road to provide pedestrian access off-road. The applicant would provide this feature as part of project development. However, the walkway is within the dedicated trail easement and requires review by the City's Parks, Trails, and Recreation Commission. Staff recommends that this design feature be reviewed during the phase 2 application process.

Conformance with the California Environmental Quality Act

Staff has determined that this project is exempt from the California Environmental Quality Act (CEQA). It is only a determination on a potential building site and is covered under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Once a determination is made on the siting and massing, any future plans to develop the property as proposed in a phase 2 application will be reviewed for potential environmental impacts on traffic, biotic resources, hydrology, etc.

Consistency with the General Plan

The General Plan land use designation for the property is Medium Density Single Family Residential and allows up to six dwelling units per acre. The proposed single-family dwelling on this .6-acre lot is consistent with this designation.

Conformance with Zoning Regulations

The property is zoned R-10, Single-Family Residential District – 10 and has been zoned such since at least 1974. The property is located in the Hillside Overlay District; however, it is not located within or near a ridgeline setback. At their meeting of July 3, 2008, the Planning Commission determined that this parcel should be considered a “corner lot” for purposes of setback from a secondary frontage. Development standards for the R-10 District include the following:

Front Setback: On corner lots the principal frontage of the lot shall have a setback of at least 20 feet and the other setback shall be at least 15 feet.

Side Yard: Aggregate side yard of at least 20 feet; no side yard less than 10 feet wide.

Rear Yard: At least 15 feet

Parking: 2 spaces covered or uncovered located outside the side yard or front yard setbacks

As designed, the front setback from Sierra Vista Way is 82 feet, the rear setback is 72 feet, the eastern side yard setback is 15 feet and the setback from the trail easement is 5 feet. Setbacks apply to structures over 6 feet high. A 543 s.f. garage provides parking for two vehicles.

As stated previously, it is the City Attorney’s opinion that the issue of whether or not, and to what extent, the property is encumbered by an access easement is a private matter between the affected property owners. However, it is City policy to measure required yard setbacks not only from property lines, but also from vehicular and pedestrian (public or private) access easements. In the event a court were to decide that the private access easement is lot line to lot line, there will be no setback from the easement and the property owner must receive a variance from the setback requirement to develop the property. Therefore the City Attorney recommended out of an abundance of caution that the property owner voluntarily apply for a variance for setbacks. The variance request should be considered at this time because consideration of applicable setbacks is part of the phase 1 Hillside Development Permit process. See Attachment 5 for City Attorney’s memo.

The variance had originally been described as a front yard setback of 82 feet, a rear yard setback of 75 feet, a western side yard of 61 feet, and an eastern side yard setback of 15 feet. Unlike a typical variance request which seeks a deviation or exception from a prescribed standard, these “numbers” were meant to define a building envelope based on the proposed site plan and appear to have lead to confusion about the level of variance requested. Simply stated, the applicant is only asking to be allowed to comply with the same setbacks from property line (or easements) of 20 feet from the front, 15 feet from the rear, and 10 feet from the side that are required of all single family residential property zoned R-10 and is consistent with other properties in the Sierra Vista Way neighborhood which have the same R-10 zoning designation. Because all of the properties in the vicinity with identical zoning classifications are developed with a single family residence, staff believes that a variance from the

private easement that may cover the entire property would not grant a special privilege inconsistent with the limitations upon other properties in the vicinity.

While a variance for yard setbacks is related to the question of where the Sessions Road right-of-way easement is located, the applicant's request to reduce the setback from the trail easement is directly related to zoning ordinance standards. As a corner lot, the setback from the secondary frontage (Sessions Road) and trail easement must be 15 feet and the applicant is requesting a variance to reduce the required setback to 5 feet. It is staff's opinion that there are special circumstances with this property that warrant approval of this aspect of the variance request.

The lot is bisected by Sessions Road and a 50-foot wide trail easement. Steep topography further constrains the area for development. After several public hearings on HDP10-07 before it was withdrawn and on this current application, the Planning Commission determined that the property should be treated as a corner lot for the purpose of applying building setbacks. It is only because the City also applies yard setbacks to pedestrian access easements that the applicant is requesting a variance to a prescribed setback. In this case, the setback is from a dedicated trail easement serving the public good. The development, with or without a variance, will not have a direct impact on the trail because the trail through Lot 66 is on the paved portion of Sessions Road. Development is set back more than 20 feet from the paved road/trail. Application of a 15-foot setback from the trail easement would leave a maximum building area width of only 25 feet. Corner lots within the R-10 district can accommodate houses 50 feet or more in width. The variance will not constitute a grant of special privilege not generally available to other properties in the vicinity as the majority of variance application requests are for yard reductions. The variance substantially complies with the intent and purpose of the R-10 district because the applicant is requesting a variance to construct a single-family home which is a permitted use in the R-10 district. See Attachment 4 for applicant's variance request dated August 18, 2008.

Trail Easement

A 50-foot wide trail easement was dedicated to the City as part of minor subdivision MS502-94 which created four lots along Sessions Road north of the project site. Staff has verified with members of the Lafayette Parks, Trails and Recreation Commission that the path of the Petar Jakovina Trail through the project site is on the paved road. They also confirmed that allegations of trail alterations or removal of improvements on Lot 66 are unfounded. Approximately 80 feet north of the project site, the trail leaves the paved road and continues off-road to the west.

According to the City Attorney, the trail easement (Document 98-0044267) provides for vehicular access on the trail easement that is coterminous with Sessions Road and the applicant can access Lot 66 via the portion of the trail easement that is coterminous with Sessions Road (see memo in Attachment 6). As designed, the project will not impact public access to the Petar Jakovina Trail. It should be noted that the City's brochure for this trail states that car parking for trail access is not permitted on Sessions Road. Trail access is for hiking only.

Geology and Soils

Although typically not required for a phase 1 application, the applicant submitted a Preliminary Geotechnical Reconnaissance Report prepared by Cal Engineering & Geology, Inc. This report evaluated the site-specific geologic and geotechnical conditions of the site and the suitability of the property for the proposed development.

Reconnaissance level observations revealed that moderate amounts of grading have occurred on the property. The age of the grading is not known, however, it appears to have been done in relation to the creation of Sessions Road and the construction at the adjoining property at 1139 Sierra Vista Way. The construction of Sessions Road required the placement of fill which is estimated to range between one and five feet thick along the roadway. The report states that surficial soils are made up of well-drained clay, sandstone and shale bedrock. Runoff is medium and the hazard of erosion is moderate where the soil is bare. These soils have a high shrink-swell potential.

Regional landslide features maps by the U.S. Geological Survey and California Geological Survey identified deposits of landslide debris in the ravine above the property. The map by the California Geological Survey indicates that the landslide debris extends beneath the proposed building site but observations by Cal Engineering suggest that much of the landslide deposit in the ravine above the property was likely removed during the grading of Sessions Road. It is their opinion that the past grading has significantly reduced the potential for landslide debris in the ravine above the property from impacting the property. Furthermore, no readily identifiable evidence of recent landslide activity at the property was observed.

The report also notes that the project site is not located within an Earthquake Fault Zone for active faults as defined by the State Geologist. The nearest mapped fault is located approximately eight kilometers southeast of the site. It is the opinion of Cal Engineering that the potential for surface rupture due to faulting at the site is remote.

The report concludes that, from a geotechnical engineering and engineering geology standpoint, it is feasible to develop the property as proposed, provided the recommendations of the report are adhered to in the future stages of the project. Recommendations include geotechnical borings or exploratory pits, laboratory testing of materials recovered from the borings or test pits, and engineering analyses of foundations and improvements. The subsurface exploration program should focus on evaluating the possible presence of landslide debris beneath the building site and recommendations for remedial measures if needed. The complete report was provided in the previous staff report.

Drainage and Stormwater Runoff

Although not required for a phase 1 application, a preliminary drainage plan has been provided by the applicant. As requested by the City Engineer, the drainage system will provide stormwater collection through a swale north of the house. The swale will flow to a Christy inlet and then underground to be dispersed into a vegetated infiltration area south of the driveway. Roof drainage will also be directed to the underground system. The infiltration area will be fitted with an underdrain and overflow to the existing stormdrain on Sierra Vista Way.

As requested by the Planning Commission, the project civil engineer, Schell & Martin, Inc., also provided a drainage study of lower Sessions Road and the project site. The study concluded that the drainage pattern for the project area watershed was changed when Sessions Road was constructed. An insignificant amount of water currently reaches the project site from the watershed above and development of the site will prevent runoff that flows across the hillside portion of the property to the east of Sessions Road from entering the adjacent property. Tony Coe reviewed the report and it provides an adequate description of the area hydrology for this level of project review.

A more detailed plan based on hydrological data will be required during the phase 2 application review. At a minimum, the project will be required to mitigate any impacts from site development and may

improve the existing drainage situation. The Schell & Martin study was provided in the previous staff report.

Trees and Landscaping

The eastern side of Sessions Road is heavily wooded and existing trees are namely Canary Island pines and redwoods. Other species include coast live oak, valley oak, Italian stone pine, and California pepper. Development of the property would require approval of a category II tree permit for the removal of protected trees as required by Chapter 6-17, Tree Protection, LMC. For this undeveloped property, any tree of any species with a diameter of six inches or more is considered a protected tree. Replacement tree counts for protected trees removed are calculated by the formula stated in section 6-1707(g)(1), LMC., "For each six inches or its fraction of the diameter of the tree to be removed, two 15-gallon trees shall be planted. The diameter of a multi-trunked tree is the sum of the diameters of its component trunks."

The applicant has submitted arborist reports from Baefsky & Associates, dated July 6, 2007 and April 1, 2008. The reports analyze the probable impacts on specific trees from two possible design scenarios and provide details for the preservation of remaining trees. The reports were reviewed by the City's landscape consultant, Pennell Phillips of Inside Out Design, Inc. Mr. Phillips stated that the reports were thorough and he agreed with the majority of the recommendations presented for the design scenarios. See Attachment 7 for all three reports.

Thirty-one trees were surveyed on the west and east sides of Sessions Road. Twenty-eight of the trees are located on the east side. The current plan has not been reviewed by either Baefsky & Associates or Inside Out Design. However, based on the tree surveys and comments provided in their reports, staff has prepared an update based on the current plan. Nine trees will have to be removed to accommodate the current development plan. One other tree is close to a proposed retaining wall and may be impacted. The following table lists the trees to be removed.

Tree #	Species	Size	Condition	Comment	Replacement Trees
7	California pepper	21"	Very poor/poor	May be impacted by retaining wall	8
9	Coast redwood	22", 13"	Poor-Fair	Building conflict	12
10	Coast redwood	21"	Fair	Building conflict	8
12	Coast redwood	18"	Fair	Building conflict	6
13	Coast redwood	23", 12"	Fair	Building conflict	12
14	Coast redwood	22"	Fair-Good	Building conflict	8
15	Coast redwood	19"	Fair	Building conflict	8
18	Coast redwood	19", 11"	Poor-Fair	Building conflict	10
19	Coast redwood	18"	Poor	Building conflict	8
23	Canary Island pine	24"	Poor	Deck conflict	4

Based on the formula, total replacement tree count would range between 76 and 84 fifteen-gallon trees. For the non-native trees removed from the site, Mr. Phillips recommends replacement trees be specified as either coast live oak or valley oak.

Visibility and Privacy. As requested by the City Council, story poles for the current design have been installed. The Planning Commission previously directed the applicant not to trim trees to accommodate

the story poles. In light of this, staff told the applicant to ground stake the perimeter of the building footprint and to delineate the ridgeline of the roof. The staking and story pole plan is included at Attachment 8.

Given the configuration of the lot and the fact that it is bisected by Sessions Road, any development of the site will be highly visible in the immediate vicinity of the site. Constrained by the grade and alignment of Sessions Road and the 50-foot wide trail easement, visual impacts will be difficult to mitigate with landscaping. In order to mitigate some of the visual impact of development, the building has been stepped with the terrain presenting one- and two-story elements and differentiated rooflines when approached from lower Sessions Road. Foundation retaining walls are used to bunker and set the building into the grade.

Proposed development was evaluated using the list of public places¹ from the City's viewing evaluation map. Listed locations used to evaluate visual impacts included Deer Hill Road, First Street, Highway 24, Sessions Road, Sierra Vista Way, and the BART station and parking lot. Due to its location within a developed residential area with varied topography and mature vegetation, there is no visibility of the project site from off-site locations such as Deer Hill Road, First Street, Highway 24 or the BART station. As noted above, the site is highly visible from Sessions Road and Sierra Vista Way, as are most of the other developed properties on these streets. However, the purpose of the Viewing Evaluation Map is to establish locations from which views of open and highly visible portions of Lafayette's scenic hillsides and ridgelines can be seen when viewed from below the proposed development. This is not the case with this project.

The only impact on privacy from development of Lot 66 is on the adjoining property at 1139 Sierra Vista Way (Swarts). The house is two stories at the street frontage stepping up the hill to one-story. The rear of the Swarts house, which has no windows, is 21 feet from the corner of the proposed garage. There is a retaining wall approximately five feet from the rear of the house and then the terrain rises steeply upward at a 2:1 slope. The eastern elevation of the proposed house faces this slope and not the Swarts home. The proposed house is set back 15 feet from the eastern property line where only 10 feet is required by the Zoning Ordinance. Also, the Swarts home is designed with the outdoor living area east of the house so the proposed house will not have an impact on this outdoor area.

Visual and privacy impacts not already mitigated by the current plan can be further addressed by careful attention to architectural details, consideration of building materials and colors, and vegetative screening during the phase 2 application process.

Agency Comments

The current plan has not been reviewed by the Contra Costa County Fire Protection District or City traffic consultant, Chuck DeLeuw. However, the current plan does not present a building or driveway placement that has not previously been reviewed.

Fire District comments are included in Attachment 9. Their original comments, dated January 4, 2008, were based on a design with driveways on Sessions Road, located north and south of the building. They did not identify any problems with emergency access, driveway or roadway grades, fire apparatus

¹ Section 6-2003, LMC, defines "public places" as outdoor places where members of the public congregate or travel as may be shown on the Viewing Evaluation Map.

turnarounds or other problems or deficiencies that would significantly impact the development potential of the property. They noted that the roadway surface transition from Sierra Vista Way to Sessions Road would need to be corrected to provide for a grade difference of no greater than 10 percent within the first ten feet of the grade break. Other comments related to adequate water supply and installation of a fire hydrant would be included as conditions of approval during the phase 2 application.

The District later reviewed plans with access from Sierra Vista Way. They again submitted comments related to installation of a fire hydrant, premises identification, and vegetation clearance and made no specific comment on the access from Sierra Vista Way. However, after they provided these comments, they also submitted a letter expressing their preference that development be accessed from Sierra Vista Way due to existing roadway conditions. Sessions Road does not provide an adequate drivable surface for a roadway that exceeds 16 percent grade. Sierra Vista Way would provide a safer access point to the proposed residence and would meet the Fire District's minimum requirements for access. After receiving the letter, staff spoke with Fire Prevention Technician Ted Leach. He stated that it would be easier for the District to stage their equipment on Sierra Vista Way if they needed to service the project site rather than Sessions Road but conditions on Sessions Road would not prevent them from servicing the property.

Mr. DeLeuw's comments are included in Attachment 10. Most of his comments are design oriented and would be addressed during the phase 2 application. Based on Mr. DeLeuw's comments of January 11, 2008, project plans were revised to allow drivers to turnaround in the driveway and exit frontwards into Sessions Road. Mr. DeLeuw later reviewed the 7/24/08 plan with the driveway from Sierra Vista Way. He suggested that an alternate driveway design be considered that would have the new driveway intersecting Sessions Road rather than Sierra Vista Way. Having the driveway access from Sierra Vista Way would increase turning movements at the top of the curve. Even though traffic volumes are not large, turning movements should be considered. Creating a driveway in the vicinity of topographic contours 460-464 would allow access to the proposed garage as well as providing a turnaround hammerhead to the south.

House Size Comparison

The table on the following page provides a list of properties along Sierra Vista Way within 300 feet of Lot 66 and the gross floor area of buildings according to information from the County Assessor's Office. As can be seen, buildings range in size from 1,967 square feet to 4,011 square feet with an average of 2,429 square feet. At 2,898 square feet, the proposed house would provide a transition between the homes on Sierra Vista Way and those on Sessions Road. The four closest homes on Sessions Road are 2,743, 3,890, 4,149, and 4,283 gross square feet in size.

House Size Comparison

Address on Sierra Vista Way	Gross Floor Area (house + garage) (square feet)
1099	2,946
1111	4,011
1117	2,682
1139	2,716
1141	2,358
1147	2,218
1149	1,967
1116 (Hidalgo Ct.)	2,420
1110	2,135
1106	1,980
1102	1,686
1100	2,032

Findings

In order to approve a variance request, the following findings must be made.

6-214 Specific findings necessary for variance.

- (a) A variance is a modification of the requirements of zoning regulations as to lot area, lot coverage, width, depth, side yard, rear yard, setback, parking requirements, height of building, or other regulation affecting the size, shape or design of a lot or the placement of buildings on it. A variance may only be granted when:
- (1) Because of special circumstances concerning the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning regulations deprives the property of privileges enjoyed by other properties in the vicinity and in the same land use district;
 - (2) The variance will not constitute a grant of special privilege which is not generally available to other property in the vicinity and in the same land use district; and
 - (3) The variance substantially complies with the intent and purpose of the land use district in which the property is classified.
- (b) The granting authority must make specific findings that each of the standards described in subsection (a) of this section is met before it may grant the variance.

In order to approve this phase 1 hillside development application for the siting of new development on a vacant lot in the Hillside Overlay District, the following findings must be made.

6-2071 Findings required for approval of a hillside development permit on an existing lot of record.

The hearing authority may approve an application for a hillside development permit on an existing lot of record in the hillside overlay district only after making the following findings:

- (a) The development is consistent with the applicable goals and policies of the general plan and is in conformance with applicable zoning regulations;
- (b) The development will preserve open space and physical features, including rock outcroppings and other prominent geological features, streams, streambeds, ponds, drainage swales, native vegetation, native riparian vegetation, animal habitats and other natural features;
- (c) Structures in the hillside overlay district will, to the extent feasible, be located away from prominent locations such as ridgelines, hilltops, knolls and open slopes;
- (d) The development, including site design and the location and massing of all structures and improvements will, to the extent feasible:
 - (1) Minimize the loss of privacy to surrounding residents and not unduly impact, restrict or block significant views;
 - (2) Not have a significant visual impact when viewed from lower elevations from public places, using the viewing evaluation map as a guide to establish locations from which views are considered; and
 - (3) Not interfere with a ridgeline trail corridor or compromise the open space or scenic character of the corridor.
- (e) Within 100 feet of a restricted ridgeline area, or when an exception to a ridgeline setback has been granted, the development will result in each structure being substantially concealed by terrain or vegetation when viewed from lower elevations from public places, using the viewing evaluation map as a guide to establish locations from which views are considered.
- (f) Development grading will be minimized to limit scarring and cutting of hillsides especially for long roads or driveways, preserve existing geologic features, topographic conditions and existing vegetation, reduce short and long-term erosion, slides and flooding, and abate visual impacts.
- (g) The development provides adequate emergency vehicle access, including turn-around space, to the building site and surrounding on-site undeveloped or isolated areas.
- (h) Each structure and proposed landscaping complies with the city's residential design guidelines.
- (i) The new or replacement vegetation for the development is native to the surrounding area in areas abutting open space and natural areas, such as oak woodland, chaparral, grassland and riparian areas, and conforms to the policies of Section 6-2051.
- (j) The development will not create a nuisance, hazard or enforcement problem within the neighborhood or the city, nor require the city to provide an unusual or disproportionate level of public services.

CONCLUSION AND RECOMMENDATION

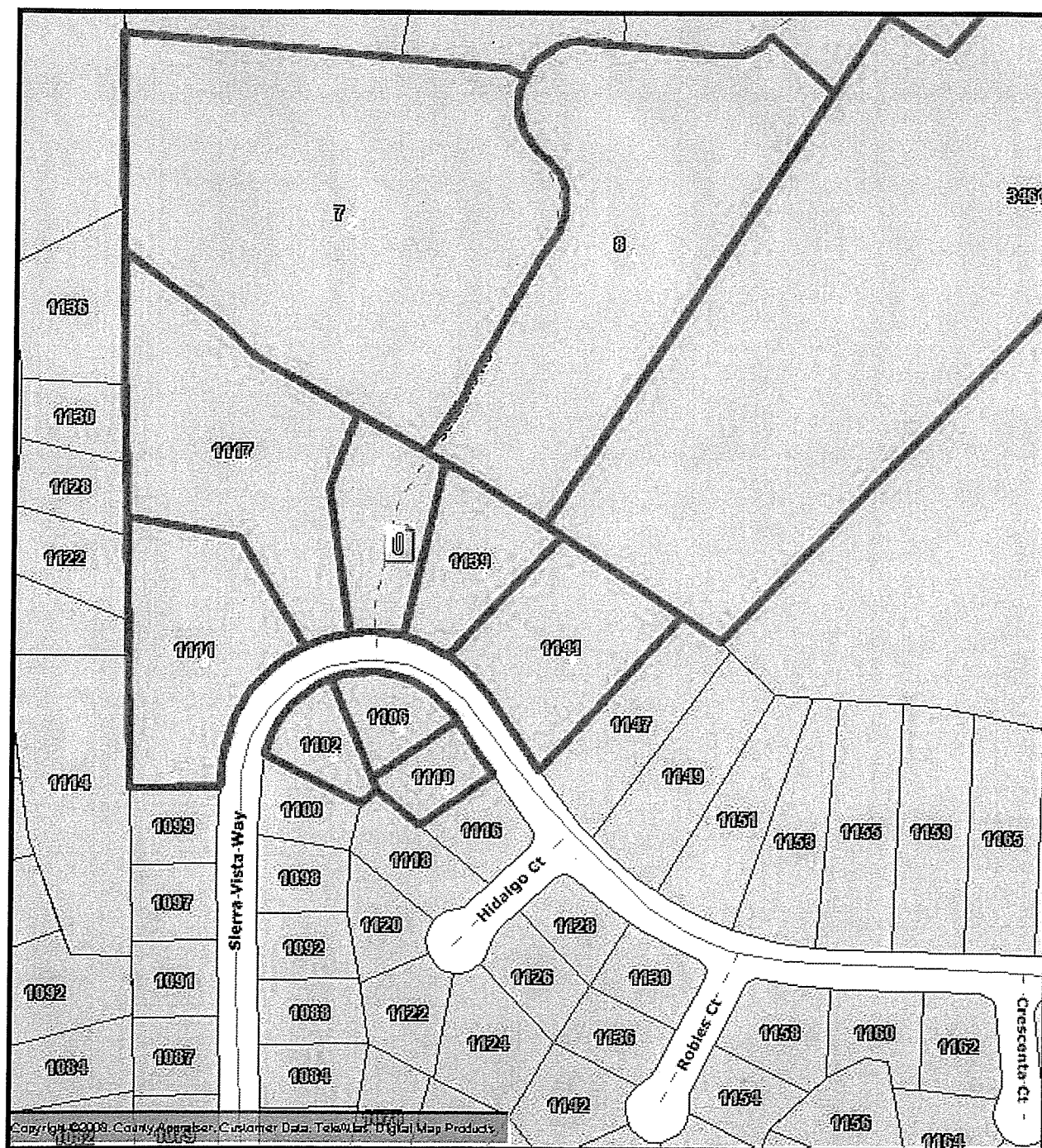
It is staff's opinion that the issue of privacy between the subject property and the Swarts house has been addressed by the applicant to the maximum extent feasible. The proposed size and scale of this development is similar to other properties in the Sierra Vista neighborhood and the site is flanked by two-story homes. Development grading has been minimized by terracing the building and using foundation walls to bunker the building into the slope. Due to its location within a developed residential area with varied topography and mature vegetation, there is no visibility of the project site from distant, off-site locations. As designed, development would not interfere with the existing trail located on Sessions Road.

Lot 66 is a legal lot and the property owner has the right to use the property for an economically viable use. A single family residence is an allowed use in the R-10 zoning district. As proposed, this is the best location to site a home on this property. The western slope is too steep and would require significant grading. The City Engineer, City's traffic consultant, and Fire District reviewed this phase 1 application. None of their comments precluded or restricted safe access to the building site and its development for a single-family home.

As a de novo hearing, the City Council may act upon the applications by granting approval, conditionally granting approval, or denying, one or both applications. Staff recommends that the City Council accept public testimony, consider the recommendations of the Planning Commission and staff, provide direction to staff, and continue the hearing to January 12, 2009.

ATTACHMENTS

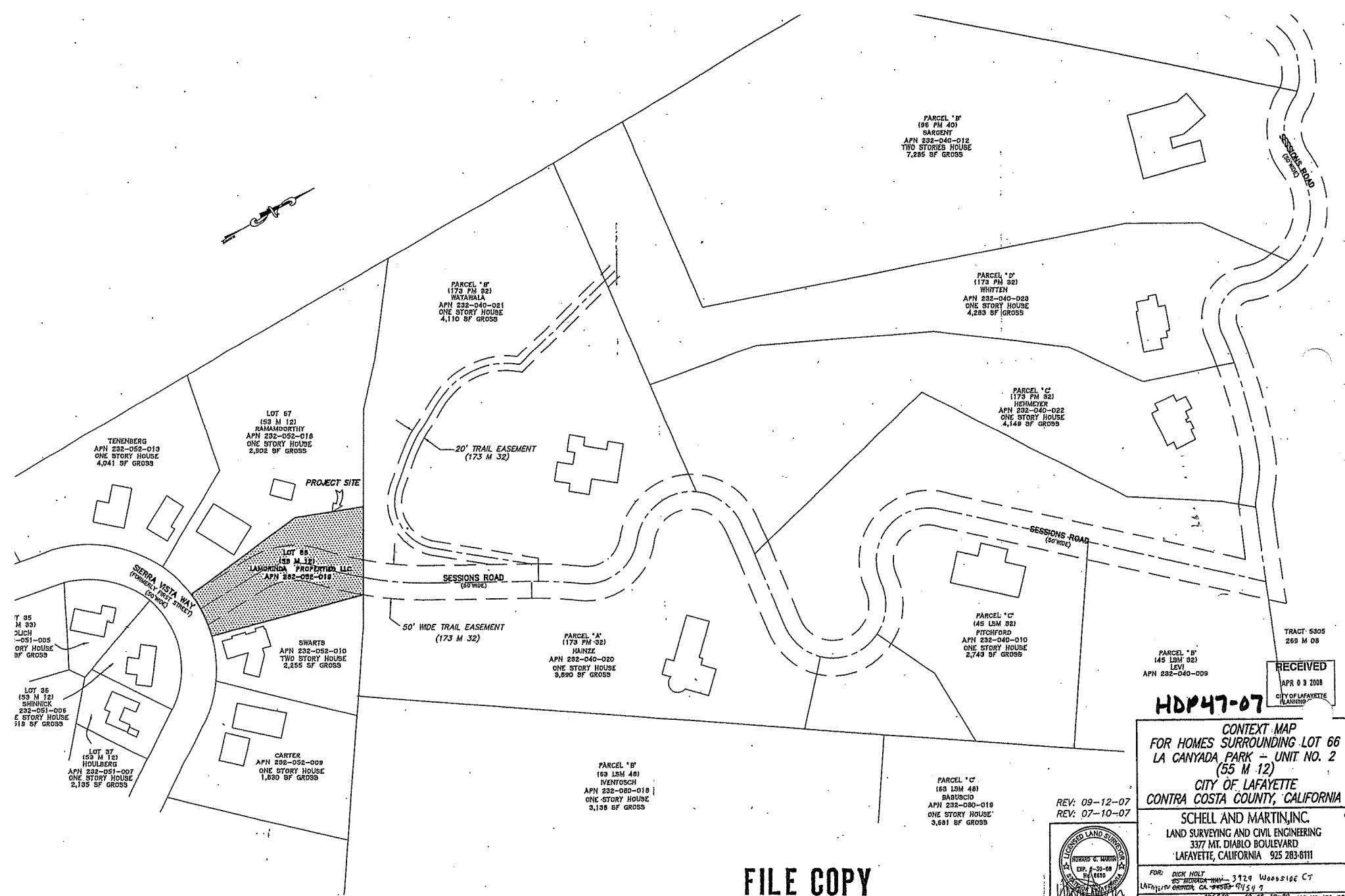
1. Project Location
2. Context Map
3. Site Topography, Preliminary Grading and Site Plan, Floor Plans, Building Elevations, and Site Section (6 sheets)
4. Correspondence from David Bowie, Rick Humann, Schell & Martin, and Richard and Robin Holt
5. City Attorney Memorandum—Lot 66 Variance
6. City Attorney Memorandum—Lot 66 Trail Easement
7. Baefsky & Associates Arborist Report, dated July 6, 2007 and April 3, 2008; InsideOut Design, Inc., dated May 25, 2008
8. Staking and Story Pole Plan, dated received November 23, 2008
9. Correspondence from Contra Costa Fire Protection District, dated January 4, 2008 and August 21, 2008
10. Correspondence from City Traffic Engineer, C.E. DeLeuw, dated January 11, 2008 and August 25, 2008



HDP47-07
Sierra Vista Way

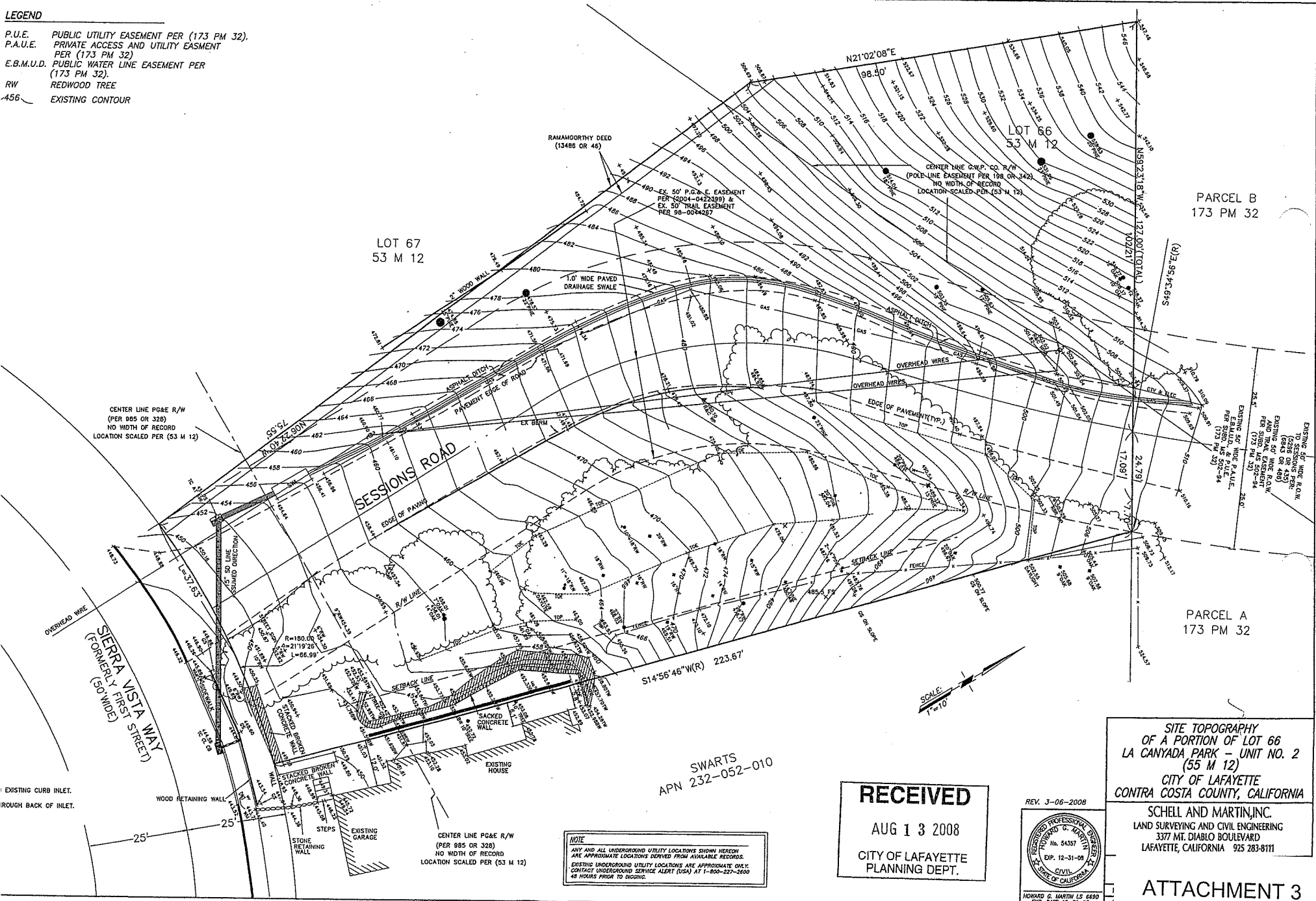
 150m**CityGIS**

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LEGEND

P.U.E. PUBLIC UTILITY EASEMENT PER (173 PM 32).
P.A.U.E. PRIVATE ACCESS AND UTILITY EASEMENT
PER (173 PM 32)
E.B.M.U.D. PUBLIC WATER LINE EASEMENT PER
(173 PM 32).
RW REDWOOD TREE
456 EXISTING CONTOUR

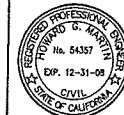


RECEIVED

AUG 13 2008

CITY OF LAFAYETTE
PLANNING DEPT.

REV. 3-06-2008



SITE TOPOGRAPHY
OF A PORTION OF LOT 66
LA CANYADA PARK - UNIT NO. 2
(55 M 12)
CITY OF LAFAYETTE
CONTRA COSTA COUNTY, CALIFORNIA

SCHELL AND MARTIN, INC.
LAND SURVEYING AND CIVIL ENGINEERING
337 MT. DIABLO BOULEVARD
LAFAYETTE, CALIFORNIA 925 283-8111

ATTACHMENT 3

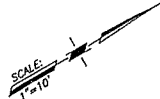
LEGEND & ABBREVIATIONS

P.U.E.	PUBLIC UTILITY EASEMENT PER (173 PM 32).
P.A.U.E.	PRIVATE ACCESS AND UTILITY EASEMENT PER (173 PM 32)
E.B.M.U.D.	PUBLIC WATER LINE EASEMENT PER (173 PM 32).
456	EXISTING CONTOUR
(456)	PROPOSED CONTOUR
(.456)	PROPOSED ELEVATION
AD	AREA DRAIN
BW	BOTTOM OF WALL
D.G.	DECOMPOSED GRANITE
DS	DOWN SPOUT
FF	FINISH FLOOR
TW	TOP OF WALL
RW	REDWOOD TREE
X	TREE TO BE REMOVED

RAMAMOORTHY
APN 232-052-018

LOT 67
53 M 12

CONSTRUCT 6" HIGH ASPHALT DIKE ALONG
EXISTING EDGE OF PAVING TO PREVENT
ROADWAY RUNOFF FROM ENTERING SITE.



CENTER LINE POLE R/W
(PER 985 OR 329)
NO WIDTH OF RECORD
LOCATION SCALED PER (53 M 12)

PROPOSED DRIVEWAY

SESSIONS ROAD

SIERRA VISTA WAY
(FORMERLY FIRST STREET)

WOOD RETAINING WALL

ENERGY DISSIPATER

LANDSCAPE BERM

CONSTRUCT A VEGETATED INFILTRATION AREA FOR
SITE DRAINAGE, WITH AN UNDERDRAIN AND OVERFLOW
TO EXISTING STORM SYSTEM IN SIERRA VISTA WAY

SWARTS
APN 232-052-010

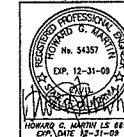
RAIN WATER LEADERS FROM
LIVING ROOM TO DRAIN
ONTO DRIVEWAY

RECEIVED

OCT 30 2008

CITY OF LAFAYETTE
PLANNING DEPT.

REV.: 10/28/08
REV.: 8/27/08
REV.: 7/24/08



PRELIMINARY GRADING PLAN
LOT 66
LA CANYADA PARK - UNIT NO. 2
(55 M 12)
CITY OF LAFAYETTE
CONTRA COSTA COUNTY, CALIFORNIA

SCHILL AND MARTIN, INC.
LAND SURVEYING AND CIVIL ENGINEERING
337 MT. DIABLO BOULEVARD
LAFAYETTE, CALIFORNIA 925 283-8111

FOR: DICK HOLT
85 MONROE WAY
ORINDA, CA 94553
BY: HGM/PCA/PAN FB 111 P 42-46 JOB NO. 401-03A
DATE 10/27/2003 SCALE 1" = 10' SHEET 1 OF 1

PARCEL B
173 PM 32

PARCEL A
173 PM 32

LOT 66
53 M 12

CENTER LINE R.W.P. CO. R/W
(POLE LINE EASEMENT PER 108 OR 342)
NO WIDTH OF RECORD
LOCATION SCALED PER (53 M 12)

EX. 50' P.G. & E. EASEMENT
PER 1200-0423300-N
EX. 50' DRAB. EASEMENT
PER 98-0044261

OVERHEAD WIRES

OVERHEAD WIRE

OVERHEAD WIRE

OVERHEAD WIRE

OVERHEAD WIRE

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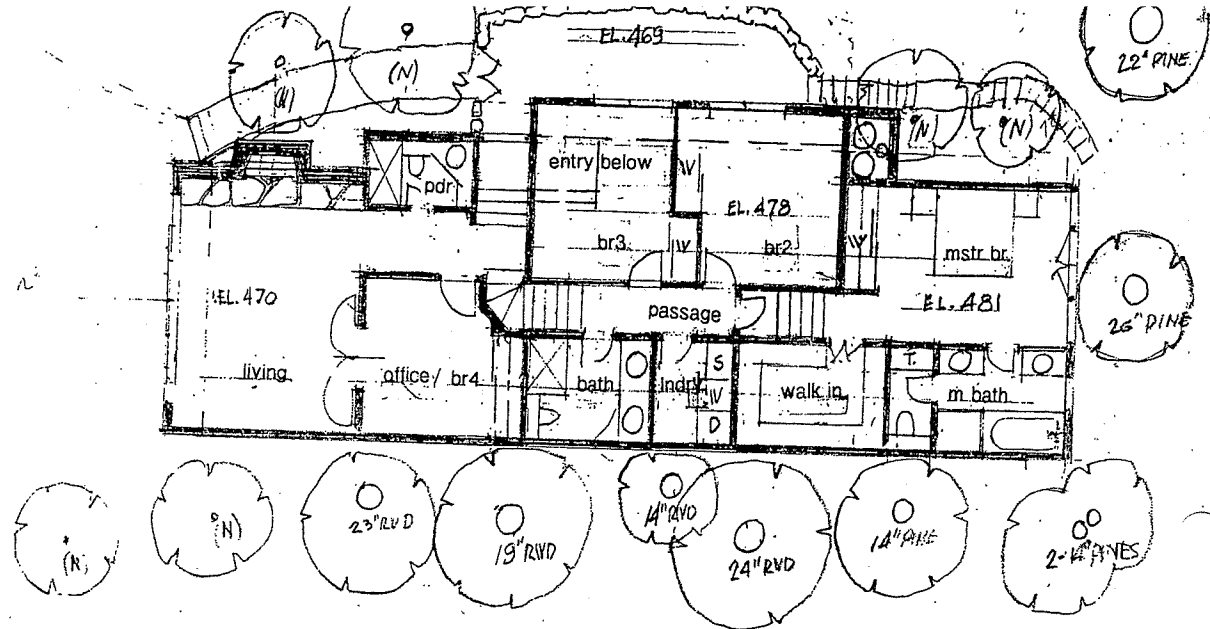
OVERHEAD WIRE

OVERHEAD WIRE

OVERHEAD WIRE

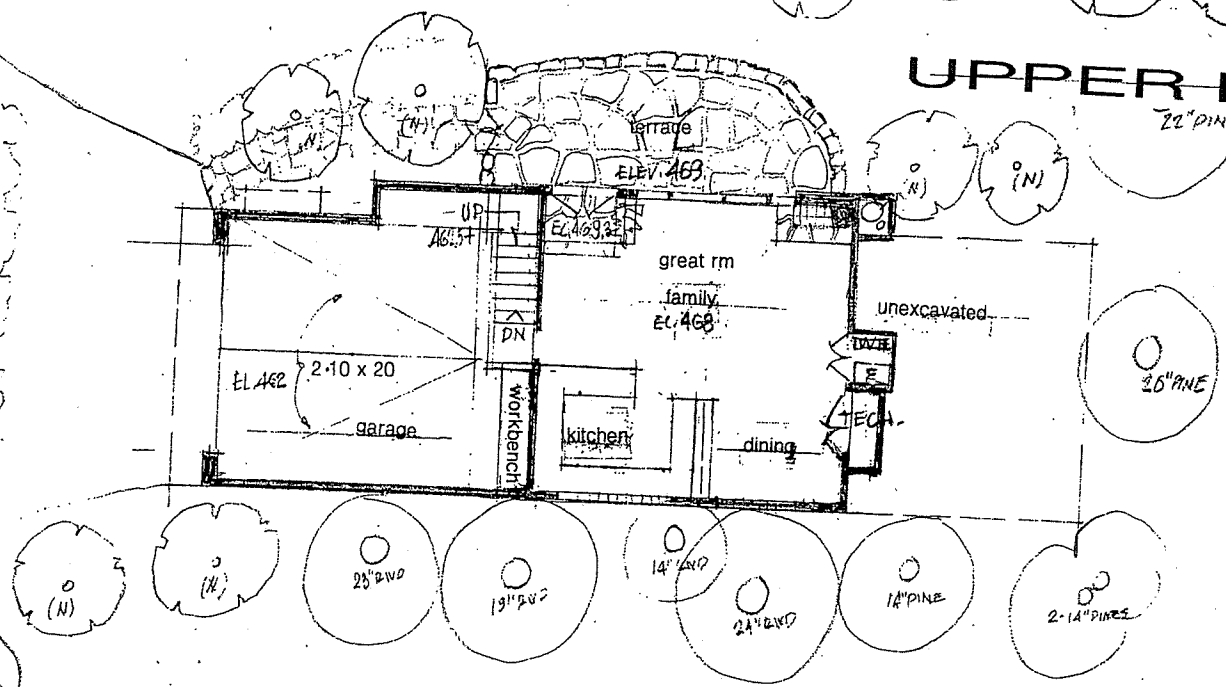
OVERHEAD WIRE

OVERHEAD WIRE



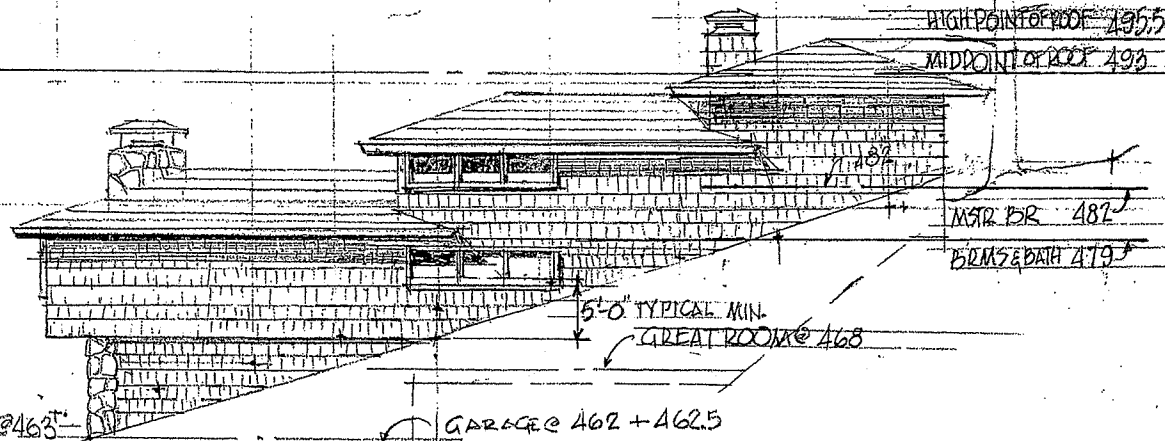
UPPER FLOOR PLAN

AREA CALCS.	SITE AREA=26000 SF
LOVER FLOOR	630 SF
UPPER FLOOR	1725 SF
GARAGE FL.	543 SF
TOTAL HOUSE	2355 SF
TOTAL HOUSE & GARAGE	2898 SF
FOOTPRINT	1725 SF
$\% 1725 / 26000$	0.67%

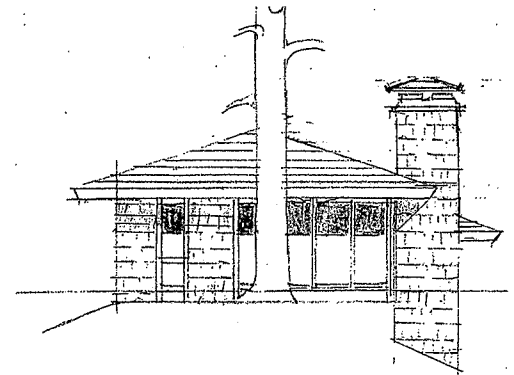


LOWER FLOOR PLAN

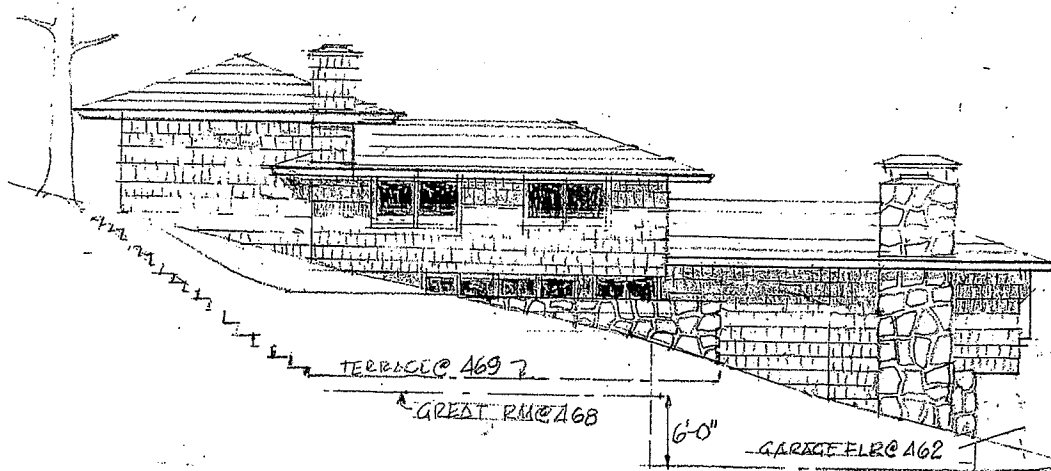
HOLT RESIDENCE



EAST ELEVATION

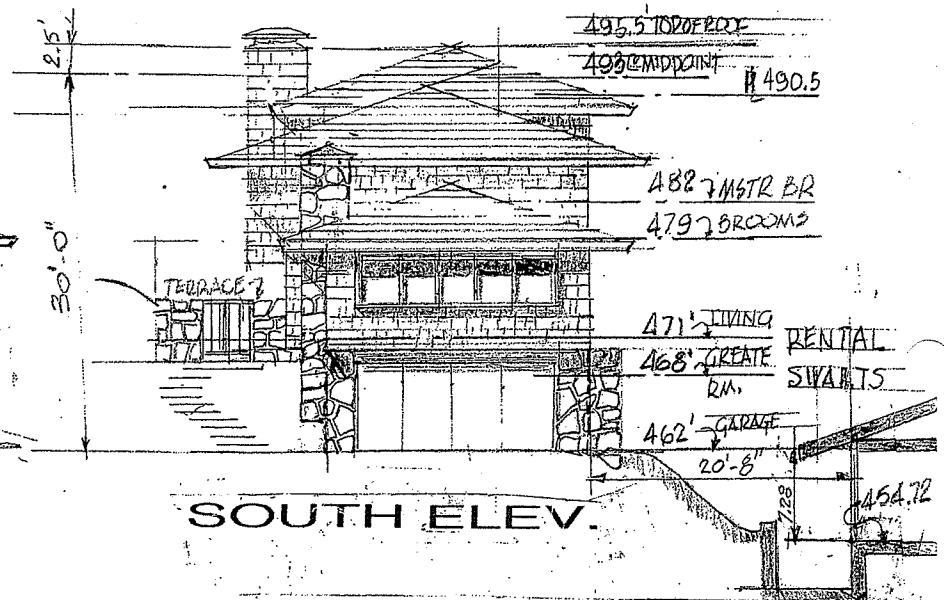


NORTH ELEV.



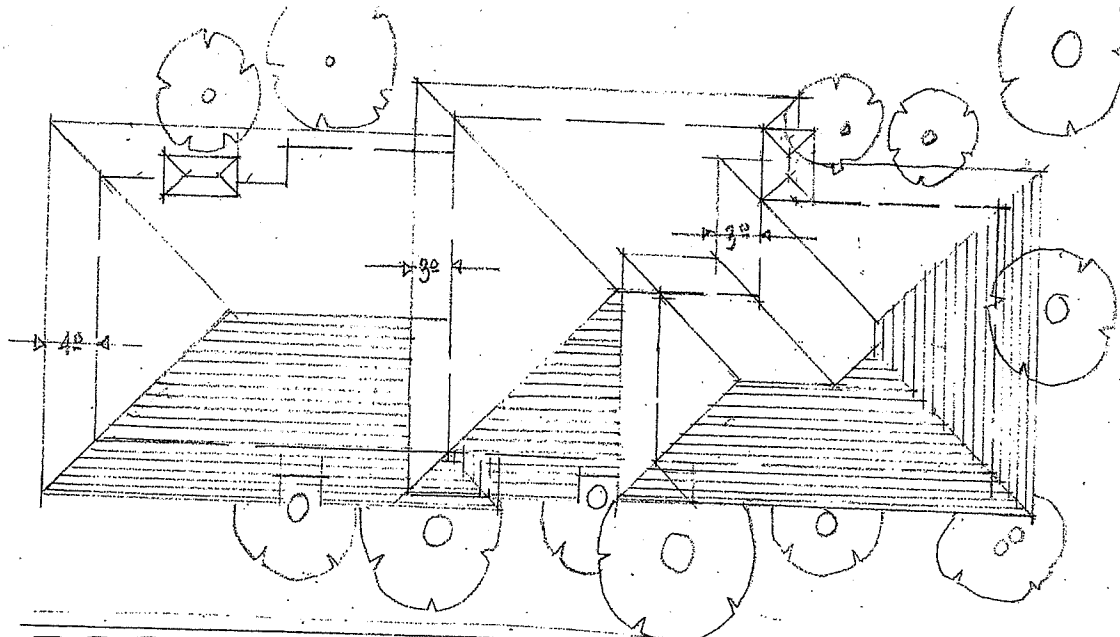
WEST ELEVATION

SCALE 1/4" = 10 FT.

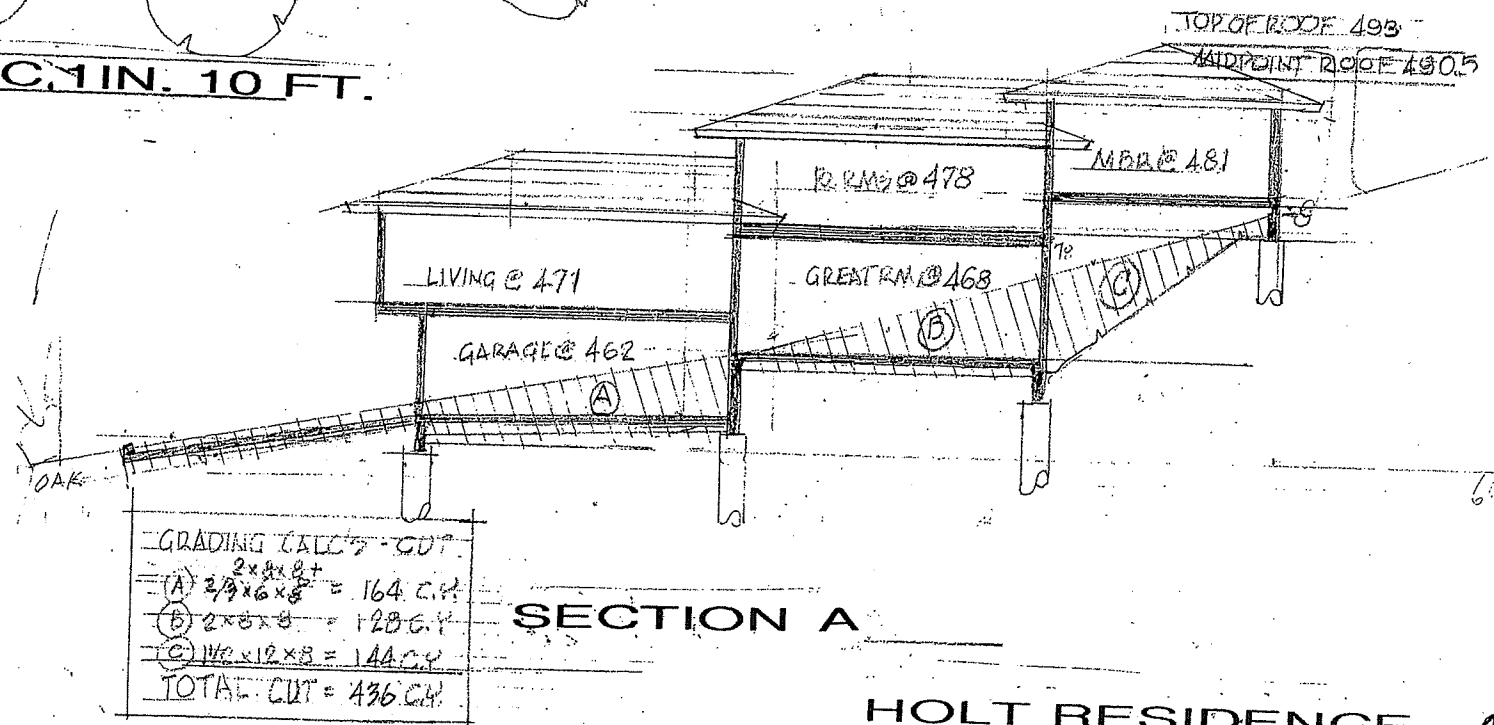


SOUTH ELEV.

HOLT RESIDENCE



ROOF PLAN SC. 1 IN. 10 FT.



ramamorthy

property line

sessions rd. path

471

garage

462

line of trees

open hillside

section b

holt 1125

property line

mamorthy 1117

sessions rd 460 path

15'

21'

6'

461 driveway

453.08

sierra vista way

section a

454.72

garage

swarts 1139

HOLT RESIDENCE

5